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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,938	01/20/2000	HEIKO DASSOW	2345/101	7873

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/403,938	Applicant(s) DASSOW ET AL.	
	Examiner Kimberly D Flynn	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to an Amendment filed May 24, 2004. Claims 12-24 are presented for further consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-17, 20-21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bixby et al. (U.S. Patent No. 5,317,568) in view of Suzuki (U.S. Patent No. 6,535,910).

In considering claim 12-13, and 23, while Bixby discloses a method for transmitting information, comprising the steps of using a data structure that is defined by a formal language called Abstract Syntax Notation One (col. 57, lines 1-5), Bixby does not disclose transmitting information encoded as text. However Bixby discloses a computer network that includes host computers, personal computers, and other computers that are in communication with one another via a wide area network and other local computer networks. In such a computer network, it is well known to transmit information encoded as text (i.e. transmitting e-mail) as evidenced by Suzuki.

In similar art Suzuki discloses an electronic mail system utilizing a computer network for exchanging electronic mail between terminals (col. 1, lines 54-59). It would be obvious to modify

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the system disclosed by Bixby to include communication via email as taught by Suzuki in order to permit communication among people on the same network, different networks, and throughout the world. Therefore, the aforementioned limitations would have been obvious modifications.

Note: In the claim language there is no nexus between the first limitation (using a data structure that is defined by a formal language called Abstract Syntax Notation One) and the second limitation (transmitting information encoded as text). The claim as worded is broadly constructed as is being interpreted as such.

In considering claim 14-16, Bixby discloses wherein transmitting a designation of a data type with each piece of the transmitted information, which includes the steps of placing the designation in front of each piece of the transmitted information and separating the designation from each piece of the transmitted information by an equal sign, wherein the designation of the data type being defined by the formal language called Abstract Syntax Notation One (see Bixby col. 74, lines 51).

In considering claim 17, the combines system of Bixby and Suzuki discloses the method further comprises the step of outputting a form of the encoded information by using a standard, readily available output facility (see Suzuki col.3, lines 50-59).

In considering claim 20, the combined system of Bixby and Suzuki discloses the step of creating an e-mail interface for transmitting the text-encoded information (e-mail) (see Suzuki col. 3, lines 27-39).

In considering claim 21, Bixby discloses the method further comprising the step of using encoding tables, the encoding tables being adaptable to character sets of transmitting systems (see Bixby col. 85, table 13.12 and col. 86, table 14.1)

4. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bixby in view of Suzuki, in further view of Goumillou (U.S. Patent No. 5,836,008).

In considering claim 18 and 19, While Bixby discloses transporting information based on the Common Management Information Protocol (CMIP)(Col. 55,lines 27-32), Bixby does not disclose transmitting encoded information between a subscriber and a public telecommunications network, wherein the encoded information relates to management of public telecommunication networks. Nonetheless, information transmission of telecommunications networks based on CMIP is well known as evidenced by Goumillou.

In similar art, Goumillou discloses a system for transmitting information between a source and a receiver via a network connected to telecommunications equipment. Goumillou also discloses wherein the telecommunications equipment comprises for the internal transmission of management messages communication means based upon the Common Management Information Protocol (CMIP). Thus a person having ordinary skill in the art would have recognized the desirability of including the information transmission based on the CMIP in the telecommunication networks because the protocol governs the information management of telecommunications equipment. Therefore, the aforementioned limitation would have been an obvious modification to the system disclosed by Bixby.

5. Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bixby in view of Suzuki in further view of Rigori (U.S. Patent No. 5,892,950).

In considering claim 22 and 24, while the combined system of Bixby and Suzuki discloses the method of transmitting information comprising the steps of: using a data structure that is defined by a formal language called Abstract Syntax Notation One and transmitting information encoded as text, Bixby does not disclose steps of automatically encoding and sending management information; and automatically receiving and decoding the management information. Nonetheless, the aforementioned limitation is a well-known inexpensive encoding/decoding mechanism that can be easily implemented either or both in software or hardware as evidenced by Rigori. In similar art, Rigori discloses wherein the simple encoding/decoding technique can be implemented by including a simple ASCII character-to-binary symbol encoder at the sender end and a binary symbol decoder-to-ASCII character decoding at the receiver end. A person having ordinary skill in the art at the time the invention was made would have readily recognized the advantages of including the encoding/decoding technique. Therefore, the claimed limitation would have been an obvious modification to the system disclosed by Bixby.

Response to Arguments

6. Applicant's arguments with respect to claims 12-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kimberly D Flynn
Examiner
Art Unit 2153

KF
September 20, 2004

A handwritten signature in black ink, appearing to read 'Dung C. Dinh', with a stylized, flowing script.

Dung C. Dinh
Primary Examiner